IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff
vs

33.92356 ACRES OF LAND MORE OR LESS, SITUATED IN VEGA BAJA, COMMONWEALTH OF PUERTO RICO, AND JUAN PIZA BLONDET, AND ANY UNKNOWN OWNERS

Defendants

CIVIL 98-1664CCC
CIVIL 98-2344CCC

O R D E R

Having considered the merits of the Supplemental Motion for Relief From Order Pursuant to Fed.R.Civ.P. 60(b)(1) and Motion to Submit Exhibits Pursuant to Order (docket entry 101), filed on February 11, 2005 and the government's response (docket entry 106), as well as the case record and exhibits and testimony from the hearing, the Court finds that there is an issue of fact as to the unity of the highest and best use of the condemned parcel and the remnant, which is for the jury to decide. If the jury finds that there is unity of use, the "before and after" method of valuation will be used. If the jury finds that the highest and best uses for the parcels are not the same, the segregated parcel will be evaluated as an independent parcel from which the value of the condemned portion will be deducted.

The Motion [to] Set Filing Date for Defendant to Respond to Plaintiff's Response to Documents Produced by Defendant (**docket entry 107**) filed May 6, 2005, which plaintiff opposed (**docket entry 108**) is DENIED, as outside the scope of the Court's November 22, 2004 order. See docket entry 82. There the Court ordered Piza-Blondet to filed any additional documentation to support his allegations by December 7, 2004. Defendant failed to do so, and the Court entered its ruling based on the evidence before it on December 12, 2004 (docket entry 89). About two weeks later, on February 11, 2005, defendant filed a motion requesting reconsideration, (docket entry101) and included untimely submitted exhibits. The Court granted the unopposed motion to reconsider, despite the inclusion of the untimely exhibits. These exhibits were considered in the favorable disposition of the request for reconsideration.

Piza-Blondet has now filed a Memorandum in Support of Defendant's Response to Declaration of Mr. Gonzalo Ferrer and to Plaintiff's Response to Documents Produced by Defendant Relating to Highest and Best Use and Proper Appraisal Method (**docket entry 109**) and the Declaration of Carlos E. Gaztambide (**docket entry 110**),on filed May 18, 2005. Not only has defendant submitted additional late, unsigned documents, he has also tried to slip into the record an expert report,[1] after Judge Gierbolini disallowed his experts to testify at the October 26, 1999 hearing because two of them had not been announced and no report had been produced for the third one.

Accordingly, these motions **(docket entries 109 and 110),**[2] which were not taken into account in our ruling on reconsideration of the merits in our December 23, 2004 order and which are an attempt to submit yet another set of documents in violation of the December 7, 2004 deadline are ordered STRICKEN from the record. **The plaintiff shall claim his exhibits, which were mailed directly to chambers and never filed, from the Clerk of**

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[1]The new expert and his report, which does not comply with the requirements of F.R.Cv.Pro. 26 (2) and which was not timely disclosed to the plaintiffs, would not have been admissible at the hearing.

[2]Defendant submitted further documentation, mailed directly to chambers mailed directly to chambers and filed on May 20, 2005 (**docket entry 111**), which is also STRICKEN. Plaintiff's Motion to Strike Defendant's Reply Memorandum, Declaration of Carlos E. Gaztambide and Letter Motion Submitting Additional Documents filed on May 24, 2005 (**docket entry 112**) is MOOT.

the Court within twenty (20) days after notice, after which the Clerk of Court may dispose of them. He is also barred from mailing documents directly to chambers in the future and is admonished of the imposition of sanctions should he not abide by this order.

SO ORDERED.

At San Juan, Puerto Rico, on May 26, 2005.

S/CARMEN CONSUELO CEREZO
United States District Judge